

Docket No. JAB-1425-USCNT1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : De Corte B., et al. Confirmation No.: 7134
Appln. No. : 10/634,682
Filed : 08/05/2003
Title : HIV REPLICATION INHIBITING PYRIMIDINES
Art Unit : 1624
Examiner : Venkataraman Balasubramanian

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June 9, 2005

(Date of Deposit)

Laura A. Donnelly

(Name of applicant, assignee, or Registered Representative)

/Laura A. Donnelly/

(Signature)

June 9, 2005

(Date of Signature)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner, Janssen Pharmaceutica N.V., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any claim of similar scope to claim 21 (i.e., a method of treating subjects suffering from HIV comprising

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administering the compounds identified therein) in any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent No. 6,878,717 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any such claim of any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any such claim of any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued, or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In addition, in making the above disclaimer, the owner does not disclaim the terminal part of the term of any of the claims not of similar scope to claim 21, including, but not limited to, the remaining claims now pending in the instant application.

Check either box 1 or 2 below, if appropriate:

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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

2. ☒ The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By: /Laura A. Donnelly/
Laura A. Donnelly
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Dated: June 9, 2005

☒ The Terminal Disclaimer fee of \$130.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/JAB-1425-USCNT1/LAD. Three copies of this sheet are enclosed.